

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>ARTEL HOPKINS,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 08-06-SLR
	:	
<b>MICHAEL DELOY, Warden,</b>	:	
and <b>JOSEPH R. BIDEN, III, Attorney</b>	:	
General of the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Artel Hopkins, has applied for federal habeas relief, filing a habeas petition challenging his 2004 convictions and sentence for trafficking in cocaine (100 grams or greater), possession with intent to deliver cocaine, maintaining a building for keeping controlled substances, second degree conspiracy, and possession of drug paraphernalia. D.I. 1. By the terms of the Court's order, the answer is due to be filed on April 25, 2008. D.I. 7.

2. Counsel has been, and continues to be, diligently working on several cases before this Court and the state courts, including three capital cases. Counsel, however, was not assigned this case until April 11, and since that time counsel has been required to spend considerable amounts of time on another case due to the United States Supreme Court's recent decision in *Baze v. Rees*. Counsel has completed portions of the answer, but needs additional time to fully address the issues in the petition. At this stage, it is not practical to reassign the case to another prosecutor.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985). The comment to Rule 4 expressly states that the district court has "the discretion to take into account various factors such as the respondent's workload" in determining the period of time that should be allowed to answer the petition.

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including May 9, 2008, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 3759

DATE: April 23, 2008

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is in the custody of the Delaware Department of Correction and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General

Counsel for Respondents

Date: April 23, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ARTEL HOPKINS,**

Petitioner,

V.

Civ. Act. No. 08-06-SLR

**MICHAEL DELOY**, Warden,  
and **JOSEPH R. BIDEN, III**, Attorney  
General of the State of Delaware,

Respondents.

## ORDER

This \_\_\_\_\_ day of \_\_\_\_\_, 2008,

WHEREAS, respondents having requested an extension of time in which to file an answer,

and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before May 9, 2008.

United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2008, I electronically filed a motion for extension of time with the Clerk of Court using CM/ECF. I also hereby certify that on April 23, 2008, I have mailed by United States Postal Service, the same document to the following non-registered participant:

Artel Hopkins  
SBI 254263  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
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